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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,735	10/17/2003	Chi-Hong Yang	YEO 158	8314
7590	01/12/2005		EXAMINER	
RABIN & BERDO, P.C. Suite 500 1101 14th Street, N.W. Washington, DC 20005			BLAKE, CAROLYN T	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application N .</b>	<b>Applicant(s)</b>
	10/686,735	YANG, CHI-HONG
	<b>Examiner</b>	<b>Art Unit</b>
	Carolyn T Blake	3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 03 January 2005.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-7 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-7 is/are rejected.

7)  Claim(s) 1 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 17 October 2003 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_.  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_.

**DETAILED ACTION**

***Election/Restrictions***

1. No claims are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species. Election was made **without** traverse in the reply filed on January 3, 2005.

***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the spring anchoring hooks must be shown in FIGS 11-20 or the feature(s) canceled from the claim(s). No new matter should be entered.

3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will

be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

4. The abstract of the disclosure is objected to because of the use of the term "comprised" in line 1. The abstract cannot contain legal language. Correction is required. See MPEP § 608.01(b).

5. The disclosure is objected to because of the following:

- Page 6, line 17: The correct reference character for a passage is 22.
- Page 6, line 18: The correct reference character for a nut is 32.
- Page 6, line 18: The correct reference character for the passage is 22.
- Page 6, line 18: The correct reference character for a drift pin is 24.

Appropriate corrections are required.

***Claim Objections***

6. Claim 1 is objected to because the phrase "an adjustment hole...that provide" (lines 10-11) should be changed to - -an adjustment hole...that provides- - or an equivalent. Appropriate correction is required.

7. In addition, it is noted that the phrase "As mentioned in Claim 1 of the tempered glass breaker invention herein" is used to denote a dependent claim. It is customary to employ the terminology - -The tempered glass breaker of claim 1, wherein- - .

***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

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art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 1-7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The spring anchoring hooks on the U-shaped mounting base are not described.

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not understood how the spring anchoring hooks could be mounted on the base of the claimed embodiment. It appears the nut (27) and striking surface (21) would confine the spring and anchoring hooks would be unnecessary. In addition, there appears to be no space on the mounting member near the spring for such hooks.

#### ***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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13. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rockel (3,777,399) in view of Baker (US Patent Application 2003/020066 A1) and Parton (4,635,437) and in further view of Vaughan (5,957,644).

Regarding claim 1, Rockel discloses a tempered glass breaker comprised of a main member (36), a spring (40), a drift pin (30), and a mounting base (12, 22, 24); the said spring (40) is sleeved onto the exterior of the said main member (36); the said mounting base (12, 22, 24) has an indented reinforcement trough (12) along the middle, and a hole (28) disposed at the center of the said reinforcement trough that is aligned with the said drift pin (30). Note the Rockel device is capable of breaking glass.

Rockel fails to disclose a passage and nut on the main member. Baker discloses a main member (22) with a passage (26) formed in its lower extent and a nut (40) embedded in the said passage (26) that enables the fastening of a drift pin (30) into the said nut (40) and its situating at the lower extent. This arrangement allows the drift pin (30) to be replaced without replacing the main member (22). See the abstract. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a main member with a passage and a nut, as disclosed by Baker, on the Rockel device for the purpose of replacing the drift pin.

In addition, Rockel fails to disclose adjustment holes on the reinforcement trough. Parton discloses a device with a main member, a drift pin, and a mounting base (20). The mounting base (20) has an adjustment hole (22) for fastening by means of screws (23). See col. 4, lines 12-16. Vaughan discloses a mounting base (1) with and an adjustment hole (16, 16') at each of the two sides of the said reinforcement trough that

provides for fastening the said mounting base (1) by means of screws (65). The adjustment holes and screws allow the mounting base to be firmly secured to a desired surface. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide adjustment holes, as disclosed by Parton, on the Rockel device and to position those holes at each of the two sides of the reinforcement trough, as disclosed by Baker, for the purpose of firmly securing the device to a desired surface.

Regarding claim 2, Rockel discloses the mounting base (12, 22, 24) is U-shaped and has a hole (26) through its upper extent, a tab extending from each of its two sides. The adjustment holes have been discussed above in the rejection to claim 1.

Regarding claim 3, Rockel discloses the main member (36) is sleeved into a spring (40); and the anterior section of the said main body is situated in a U-shaped bend of the said mounting base; a short spring (40) is situated between the upper edge of the said mounting base and the striking surface of the said main member (36). Rockel fails to disclose threads or a nut on the main member. However, Baker discloses external threads (36) are died around its lower extent, and a nut (40) is fastened thereon. Again, the adjustment holes have been discussed above in the rejection to claim 1.

Regarding claim 4, Rockel fails to disclose threads, facets, or a cone on the drift pin. However, Baker discloses a drift pin with external threads (36) along the posterior section, hexagonal facets (40) at the center section, and a cone (34) at the anterior section.

Regarding claim 5, Rockel discloses the drift pin cone has a tip (32) that is shaped as an acute point or an obtuse point.

Regarding claim 6, Rockel discloses the mounting base is U-shaped and has a hole (26) through its upper extent and a tab extending from each of its two sides. Again, the adjustment holes have been discussed above in the rejection to claim 1.

Regarding claim 7, the Rockel device is capable of being slanted approximately 45 degrees to match the angle of the said window frame, and then fastened onto the said window frame by means of the said screws via the said mounting base adjustment holes. The adjustment holes have been discussed above in the rejection to claim 1.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Messina (5,791,056) and Sprouse (4,693,403) disclose glass breakers. Maguire (Des. 342,011), McHale (2,807,431), and Bright (5,946,809) disclose mounting bases. Tsuchimoto et al (6,109,156) and Quiring (4,355,466) disclose main members with passages, nuts, and drift pins.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn T Blake whose telephone number is (571) 272-4503. The examiner can normally be reached on Monday to Friday, 8:00 AM to 5:30 PM, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CB  
January 7, 2005



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